

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 23-315 (SRN/DTS)

UNITED STATES OF AMERICA,

Plaintiff,
v.

**NOTICE OF THE UNITED STATES'
INTENTION TO OFFER EVIDENCE
PURSUANT TO F.R.E. 404(b)**

1. ISRAEL MALDONADO-BENITEZ,
and
2. VANNESA VIOLANTE-LUJANO

Defendants.

Pursuant to Rule 404(b) of the Federal Rules of Evidence, the United States hereby gives notice of its intent to introduce evidence during the trial of the above-captioned case pursuant to F.R.E. 404(b) regarding the following:

1. On May 4, 2022, a confidential source (CS) working with the Atlanta DEA was contacted by an individual (hereafter "Individual 1") who advised that Individual 1 could connect the CS with a person who would sell the CS one kilogram of methamphetamine. Individual 1 told the CS she/he would be contacted by the seller.

Later on May 4, 2022, the CS received a picture text message on the CS's cell phone sent from telephone number 470-903-0294 showing a Shell gas station in Smyrna, Georgia. The picture depicted the location where the CS was to meet the seller to purchase one kilogram of methamphetamine. The seller was later identified as Defendant Maldonado-Benitez. The cell phone used to send the picture text message utilized telephone number 470-903-0294. This number was utilized by the cellphone found in Defendant Maldonado Benitez's possession on June 22, 2022, when he was arrested in Minnesota for the instant offense.

Later on May 4, 2022, the CS contacted telephone number 470-903-0294 and sent a text message advising that the CS would meet the seller at the Shell gas station. Approximately 18 minutes later, a gold Nissan Altima, bearing license plate RWZ3248, pulled up next to the CS's vehicle and parked. The gold Nissan Altima was driven by a Hispanic female driver, later identified as Defendant Violante-Lujano. Defendant Maldonado-Benitez was sitting in the front passenger seat and was the sole passenger. Approximately one minute later, Defendant Maldonado-Benitez walked to the trunk of the Nissan and retrieved a brown box. Defendant Maldonado-Benitez then got into the front passenger seat of the CS's vehicle and handed the CS the box which contained approximately 1 kilogram of a substance in a clear plastic bag which later tested positive for the presence of methamphetamine. Defendant Maldonado-Benitez was given the agreed amount of cash for the methamphetamine by the CS. Defendant Maldonado-Benitez told the CS there was a load of methamphetamine coming in the next day. Defendant Maldonado-Benitez then returned to the gold Nissan and left the scene.

After the sale was completed, surveillance was conducted of the gold Nissan. Agents observed the gold Nissan park at a residence located at 46XX Coopers Creek Drive SE, Smyrna, Georgia. When Defendant Violante-Lujano was arrested on June 22, 2024, she provided her home address as 46XX Coopers Creek Drive SE, Smyrna, Georgia.

Based on this sale of methamphetamine from Defendant Maldonado-Benitez to the CS, agents in Georgia obtained a GPS location search warrant for 470-903-0294 on May 6, 2022. This search warrant was active on June 22, 2024. GPS location data derived from the search warrant showed that the cellphone utilizing number 470-903-0294 traveled to

Minnesota from Atlanta, Georgia before being recovered in Defendant Maldonado-Benitez's possession when he was arrested.

2. On February 29, 2024, a traffic stop was conducted of a silver Toyota Corolla driven by Defendant Violante-Lujano in Marietta, Georgia. Defendant Violante-Lujano was arrested by DEA Special Agents assisted by Marietta Police Officers. After Defendant Violante-Lujano was removed from the vehicle, a drug detecting canine conducted a search of the vehicle. The K9 expressed a positive alert for the presence of controlled substances. A subsequent search of the vehicle did not result in the recovery of a controlled substance.

These incidents are probative of the Defendants' intent to possess methamphetamine to distribute on June 4, 2022. Further, the Defendants' prior acts show knowledge, aiding and abetting, absence of mistake, lack of accident, and will be offered to rebut any claim of third-party liability. Therefore, pursuant to Rule 404(b) of the Federal Rules of Evidence, the Government respectfully asks this Court to admit evidence of the incidents described above during the trial of the above-captioned matter.

Dated: November 19, 2024

Respectfully submitted,

ANDREW M. LUGER
United States Attorney

s/ David P. Steinkamp
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